

**JANICE ANN THOMPSON; and
husband TERRY LEE THOMPSON,**

Plaintiffs,

Vs.

**COVENANT TRANSPORT, INC.; and
JACKIE LEONARD GRANGER,**

Defendants.

THIS MATTER is before the court on defendant Covenant Transport's Second Motion to Extend Its Expert Witness and Discovery Completion Deadlines (#24) and defendant Covenant Transport's Motion to Compel (#21).

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Thompson is competent to handle her own affairs, this court will, in deference to the state court and giving such decision full faith and credit, treat Mrs. Thompson as a person capable and responsible for handling her own affairs.

On February 26, 2008, defendant Covenant Transport filed its Motion to Compel (#21). Mrs. Thompson's response to such motion was due to be filed with the court not later than March 14, 2008. No response has been filed. Good cause having been shown in the motion for the relief requested, the Motion to Compel will be granted. Mrs. Thompson, who is proceeding *pro se*, is advised that her failure to comply with this Order or otherwise participate in discovery and prosecute her claims will result in a recommendation to the district court that her claims be dismissed.

Turning next to Mr. Thompson and defendant Covenant Transport, Inc.'s Motion to Extend, the proposed extension would impact trial of this matter before the court in September 2008, in that dispositive motions could not be briefed and decided within the time frame remaining. The court will, therefore, grant the motion, but modify the deadlines in a manner that does not impact or cause continuance of trial.

ORDER

IT IS, THEREFORE, ORDERED that

- (1) defendant Covenant Transport's Motion to Compel (#21) is **GRANTED**, and plaintiff **JANICE ANN THOMPSON** is **COMPELLED** to provide the following to counsel for defendant Covenant Transport not later than March 31, 2008:

- (a) respond to Defendant's First Set of Interrogatories and Requests for Production of Documents; and
 - (b) furnish Defendant Covenant Transport Rule 26 Initial Disclosures;
- (2) plaintiff **JANICE ANN THOMPSON** is specifically advised, cautioned, and warned that failure to fully comply with this Order or otherwise fully participate in discovery and the prosecution of her claim **WILL** result in a recommendation being entered against her that her case be dismissed;
- (3) finding that **JANICE ANN THOMPSON's** failure to respond to the discovery requests necessitated the filing of a Motion to Compel by defendant, and that no good reason existed for plaintiff not to provide discovery or respond, that **JANICE ANN THOMPSON** shall pay pursuant to Rule 37(a)(4) the costs and expenses incurred by defendant Covenant Transport in bringing its motion after hearing at the conclusion of trial; and
- (4) defendant Covenant Transport's Second Motion to Extend Its Expert Witness and Discovery Completion Deadlines (#24) is **ALLOWED** as follows:
 - (1) the defendant's expert designation deadline is enlarged to May 1, 2008;
 - (2) the discovery and motions deadlines are enlarged to June 1, 2008;

Signed: March 20, 2008

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

